THE ACCUSED WAS ON THE STAND.

He Testified That Atwell Grossly Insulted His Wire-Gau Telis His Side of the Affair-Other Witnesses.

The trial of Thomas N. McNamee and Núliam T. Gaul actually began yester-day in the Hustings Court before Judge the entire previous day having been taken up by the securing of a jury.
As is well known to the readers of The Times, McNamee stands charged with the killing of Robert Lee Atwell at Twenty-eighth and Dock streets on the night of December 20, 1803, while Gaul An intense interest was shown in the

An intense interest was shown in the trial of the case on the part of the public, and long before the court opened every seat in the big court-room was occupied. The crowd soon began to press into the aisles and occupied every available space. Time and again the court officers and to admonish the spectators to keep away from the jury box and keep the passageway clear. When the jury returned from the seene of the shooting, shortly after noon, it was deemed best

sion to the court-room from the clerk's office.

The interest in the case reached its climax in the afternoon when Gaul and McNamee were called to the stand by the defence. The former made a very unfavorable impression by his conflicting testimony, but the effect of his evidence was somewhat mitigated by the quiet and considerate manner in which McNamee made his statements.

Everything went on very smoothly, and not a single clash occurred all day between counsel until the beginning of the cross-examination of the defendant, when the prosecution undertook to attack the credibility of the testimony given by McNamee. Counsel for the defence objected to this mode of procedure, and an adjournment had to be taken in order to enable the judge to look into the matter carefully before rendering his decission.

THE CORONER,

Dr. William H. Taylor, the coroner, was the first witness called, and his evidence was, in substance, as follows: "I was called to hold the inquest, and found the body on Dock street, corner iwenty-eighth street, on December 20th, about 9 F. M. I did not find the body in its original position, for it had been moved by friends of the deceased. The body was later taken away by Mr. Laube, the undertaker.

was later taken away by Mr. Laube, the undertaker.

"The fext day I made a post-mortem examination and found two pistel-shot wounds, both on the right side of his back, one about at the right armpit. The ball coursed upward in an angle of forty-five degrees, keeping in among the muscles, and it was cut out close to the back-bone, below the neck. It had broken through the bone of the shoulder blade. That wound was not serious, and would not have caused the death of the man.

"Another ball entered the body, also on the right side, about two inches from the border, some distance below the shoulder blade. The ball went through the body diagonally, passed through the lower part of the right lung and the heart. It was found about an inch to the right of the left nipple. The course was a little upward, and the wound through the heart caused the death. As soon as a ball strikes a body its coure will be deflected by almost anything, and it is, therefore, impossible to tell from s, therefore, impossible to tell from course in what direction the pistol been held."

PRODUCED THE TWO BALLS.

Witness then produced the two balls, the one passing through the heart being perfectly inter, while the other, that passed through the bone of the shoulder blade, was somewhat flattened. Dr. Tay-ler these continues.

blade, was somewhat flattened. Dr. Taylor then continued.

"Deceased was a man without any disease, well developed, 5 feet 10 nches tail, and measured 50-2 inches around his waist. He had two very insignificant abrasions at the right eyebrow and on the right side of his nose, but they did not contribute to the death. They might have been inflicted by a stick. I also examined deceased's clothing, and found two holes in his coat and two in his shirt, but one only in his vest. There was no sign or smell of burning powder on them."

The next witness called was Mr. Wil-

I was at the yard about 8 o'clock, and "I was at the yard about 8 o'clock, and then went to the box to get my supper. When I reached the box, or rather the little house, where Mr. Atwell was, I found the latter and three others talking to each other. It was about 8:25 P. M. when a gentleman came to the door and shook the door-knob. I opened it from the inside, and I think I would recognize the man who then stood before me if I saw him again."

Counsel for the defence at this juncture admitted that Gaul was the man.

"The man asked for Mr. Atwell," witness continued, "and the latter stepped out with him. I looked at my waten, and it was then 8:27 P. M. I knew that the next passenger frain was due at 3:39, and I left the house to signal it. When I left the house to signal it. When I left the house I heard the bell of the engine. Gaul and Atwell had walked across the track some distance, and I noticed them in low conversation. While signaling the train I noticed Atwell throw up his hands, as if in a scuffe, with another man behind him, whom I could not see distinctly. It looked to me as if he was being shook.

"He hallowed, and then I hallowed, too. I saw a man in a light overcoat, who

"He hallowed, and then I hallowed, too. I saw a man in a light overcoat, who fired three different shots at Atwell, and then ran down Bock street, while Atwell came towards me. The seuffling took place under the electric light note and Atwell was running between the firing of the three shots. After the third shot he went down on his knees, and then laid down, with his hands stretched out in front of him. I exclaimed My God, Lee, what is the matter? But he did not say anything. His lamp was hanging on his right arm; it was lighted when he came across the street, but went out when he laid down. The shooting took place about two minutes after Gaul called for Atwell. It looked to me as if the pistol, when fired, was held about a foot from Atwell. The man who went up Dock street after the scuffle seemed to have on dark clothes."

VISITING THE SCENE,

The Commonwealth then rested, and the jury, in the custody of two deputy sergeants, were taken to the spot where the shooting occurred, a sketch of which had previously been shown in court. City Sergeant Epps followed with the accused. Judge Witt, Clerk Lawton and counsel also repaired to the scene. After their arrival there Mr. Nunnally went over the ground, followed by the jury just in the manner as he had previously testified. The distance from the house where Atwell first was to the electric light pole is forty-three steps, and forty-nine feet from where Nunnally stood to the electric pole.

After the return from the recess Mr. Nunrally was again placed on the stand. VISITING THE SCENE,

After the return that and when asked by counsel for the prosecution he gave the following additional

cution he gave the following additional testimony:

"There used to be a fence on the other side of Dock street and behind the electric light pole, which has since been taken down. Right back of the electric light there was a hole in the fence caused by the tearing off of two planks. I saw two street car transfer tickets picked up inside of the hole in the fence. I saw the tickets, but do not know where they are now. The tickets were punched a little after 7, o'clock, but I do not remember their date. The transfer tickets were from Manchester. They were picked up, but I don't know by whom. I also saw a stick on the sidewalk, on this side of the fence. It was a black stick and it was spilt."

"The stick was then shown and recognized by witness, who added that it had been picked up within two or these

split."
The stick was then shown and recognized by witness, who added that it had been picked up within two or three feet from where the difficulty occurred. He did not know whose stick it was, but it was not Mr. Atwell's, who had nothing in his hand but his lantern when he saw him.

On cross-evamination witness said he.

on his hand but his lattern when he saw him.

On cross-examination witness said he had seen the stick picked up about haif an hour after the occurrence, but did not know by whom. The transfir tickets had been found before the coroner and the police officers arrived. He could not tell whether the man who scuffled had on an overcoat, but his clothes looked dark. He paid more attention to Atwell than to the first man, and did not see the first part of the scuffle. If, the

OR OBOS.

Mr. William Godsey was the next wittess. He said he was in the shanty on Twenty-eighth street just prior to the occurrence with Shelton, Carwhile, Atwell and Nunnally, when Gaul came and asked for Atwell. Witness corroborated in many instances the testimony of Nunnally. He stated that after Atwell had gone out with Gaul- he (witness) got up and went to the door, when he saw the two going across the street. He had siepped about two steps outside of the house when he saw the Jamp in Atwell's hand quiver, when he was right at the electric light pole. Then Atwell hallowed and was shot. The man who fired the shot went, down Dock street (east). I arrived there just at the time of the shoting. The man who fired the shot was behind Atwell and wore a light overcost. Three shots were fired, in brief succession. After the first shot witness saw Atwell bending down, and when he fell the lamp, which he had in his arm, went out. He did not see the man who at the door asked for Atwell. If the stick found at the spot was broken during the sculle, it happened before witness left the shanty.

le, it happened before witness lef shanty, ring his cross-examination witnes J. B. SHELTON ON THE STAND.

Mr. J. R. Shelton was the next when the testified as follows:
"I was in the shanty when a man carse to the door and asked for Atwell. It was Gaul, I went to the open door later and saw Atwell and Gaul talking. I went back into the shanty and after I carse out I saw the two men crossing the street. Next I saw McNamee hit Atwell and I saw Atwell strike at McNamee, Mr. J. R. Shelton was the next witness

street. Next I saw McNamee hit Atwell and I saw Atwell strike at McNamee, while Gaul had hold of Atwell by his shoulder somewhat sideways, having his arm round him. Then McNamee fired a shot at Atwell, standing closs by him; Gaul then turned Atwell loose and ran up the street. Atwell also tried to run, when two more shots were fired. After the last shot McNamee ran up the street towards Hichmond, and Gaul down the street towards Rocketts. I don't know what McNamee first struck Atwell with. I saw them plainly, for I was only about forty steps away. I heard Atwell say, "Come here" three times after the first shot had been fired, but did not hear Nunnaily hollow. Atwell had not gotten a yard away when the last shot was fired. Gaul wore dark clothes, while McNamee had on a light overcoat and black derby hat.

FOLICE COURT TESTIMONY.

Being cross-examined by Mr. Carter for the accused said that he had testified in the Police Court that the pistol was fired just as rapidly as possible.

'Did you not say in the Police Court that you were standing in the door of the shanty when the shooting began? queried the lawyer for the defence. Yes, sir," replied the witness; "I also aid that I saw Gaul holding Atwel when the first shot was fired, and after ward saw him strike at the yard con-

uctor." Mr. Carter then read from a statemen "Does your memory serve you bette now in connection with the matter that it did on the day after the killing" interrogated Mr. Carier. "Yes, sir, what I am telling you now is the fact."

"Mr. Shelton," the counsel for the de-ence continued, "the reporter who at-enced that inquest quotes you as say-ing that you did not see Gaul helding lwell, but saw him strike him. Is at correct?"
"No, sir"

"No, sir," responded Shelton.
"Didn't you sign the paper before the order's jury containing the statement is have just referred to?"
"Yes, sir, but I must not have been aying attention to the paper."
"Are you in the habit of signing documents you have to swear to without aying attention to them?" asked Mr. arter.

(ore."

After some further unimportant interrogations, this witness was told to stand
side. Shelton is a nephew of the dereased.

A negro youth, Fletcher Morton, was called next, and he told a very straight and succinct story of the affair for the Commonwealth. He said that on the night of the killing he was down by Mr. Lee's lime-kiln standing in a door fronting upon the railroad track, right near the scene of the tragedy. He heard no quarrel, but saw the difficulty, according to his statement, from beginning to end. "I saw the man with the dark clothes on," he said, "standing in front of the man who was killed. He grabbed Mr. Atwell in the breast, and struck him with something like a stick, Mr. Atwell threw up his hands, and the lantern which he held in one of them slipped down to the elbow. He then turned to run, and hollered. The man in the light overcoat then shot him three times, and he fell. The man in the dark coat went

The man in the dark coat went he street, and the man with the overcoat went down. That's all I The negro was subjected to quite a rigid cross-examination, but his testimony did not differ at all from that given on direct examination. He said he was absolutely positive about what he saw, and reiterated what he had said about Gaul holding and striking Atwell. Fletcher was questioned closely concerning the time that Gaul ran off, but he always stated positively that it was just about the time of the firing of the first shot.

"How rapidly were the shots fired," asked Mr. Smith.

"Just about as fast as the man could pull the trigger," responded the witness "Was Gaul helding Atwell when the shooting began?"

"No, str."

The witness was then asked to stand

The witness was then asked to standard, and court took a recess for dinnermit 4 o'clock.

THE AFTERNOON SESSION.

At 4:29 P. M. the court again convened after a recess for dinner, and Mr. W. B. Carwiler was called as witness by the defence. He was employed as a brakeman on the shifter in December last, and saw Atwell about five minutes after he had been killed. He saw Nunnally there and he (witness) remained there for and he (witness) remained there for about an hour. He did not see anything taken from the dead body until the arrival of the police officers. He heard the pistol shots fired in rapid succes-

arrival of the police officers. He heard the pistol shots fired in rapid succession.

Police Officer Holdcraft reached the spot about 8:45 P. M. and found Atwell lying dead on a pile of stones. Sergeant Matthews, in his presence, searched the clothes of Atwell, but did not find a weapon on him, not even a knife. When he returned to the station-house he received information that McNamee did the shooting and after a warrant nad been is used he went to Manchester to McNamee's house, but did not find him. When he returned to the station house, about 11 o'clock, he 'earned that McNamee's house, was there, had given himself up. When asked by witness, McNamee said there was no one with him when he did the shooting. He declined to state who was with him in a certical bar-room of Manchester about 7 o'clock, and added there went no one with him and no one was within a length of the room (meaning the room of the station house). He said he had thrown the pistol away. When he stick was shown him in the station house, McNamee identified it as his. Accused stated that he shot Atwell in self-defence; he went down there he said, for an apology for something that happened between Atwell and his wife. Witness said he understood that McNamee had given himself up. Witness identified the pistol that had been shown him. It had three empty chambers and the other two were loaded with balls of thirty-two calibre.

H. SUMBENDERED HIMSELF.

balls of thirty-two calibre.

He SUBRENDERTO BURSELF.

Sergeant Whitlock testified that he was in charge of the First Police Station on the night in question. At 19:53 P. M. McNamee came into the office and asked who was in charge. I told that I was, and he added he wanted to surrender himself for killing Atwell, and I told him, "You are just the man we are looking for." He said he shot Atwell in self-defence. McNamee denied first that any one was with him when the shooting occurred. Finally he admitted that some party was with him, but he had nothing to do with it.

Sergeant Mathews said he was at the station-house on the night in question, when he was notified of the occurrence by telephone about 8:20 P. M. Another similar notice was received a few minutes later, and witness decided to go himself to the scene, having previously seet Officer Heldcroft. He found atwell dead, and there was no weapon in his pockets. The pistol with which he was shot the witness found in Rocketts, in Mr. Vauchan's house. He did not find the slick but it was handed to him in the neighborhouse of the electric light pole. The two transfer tickets had been handed to him while near the pole. He took them with him and when he examined them

THE STICK WAS BROKEN, On cross-examination, Sergeant Mathews said he did not remember that anything was said at the time as to how the stick had been broken, and he did not hear the remark made by any one at the station-house that an indentation made on the stick was caused by the striking of the same against something sharp.

sriking of the same against something sharp.

Mr. T. A. Nance, of Manchester, was next called to the stand. He said that he knew Mr. McNamee by sight, and he saw him on Wednesday after Christmas between 8 and 9 o'clock in the evening enter the saloon of Lee Latly, in Manchester, with another fellow, who favored Gaul, as he would not state positively that it was Gaul. On that occasion McNamee had a pistol in his possession. John Jefferson, the colored sexton of the Central Methodist church on Ninth street in Manchester, when called to the witness chair, said that he lived on Ninth street; knew Mr. Atwell, and in going from his house to the church had to Ninth street; knew Mr. Atwell, and in go-ing from his house to the church had to pass Mr. Atwell's residence. On Wed-nesday after Christmas he was at the church, and when on his way home he passed Mr. Atwell's house. He saw two men at the door, one of them knocking, while the other stood in the shade of a tree. Witness while passing spoke up he thought, that there was no one in the he thought, that there was no one in the house. He was under the impression that the man on the sidewalk near the tree had on an overcoat, but he was no certain whether it was Mr. McNamee This happened between 10 and 11 o'clock in the evening.

At this juncture Mr. Richardson announced that the Commonwealth would rest the case.

THE DEFENCE BEGINS.

THE DEFFICE BEGINS.

Counsel for the defence at once started in to produce the evidence of their side, and Mr. William T. Gaul, who had been left in the office of the City Screens, was called to the stand. He stated, in substance, as follows:

"I am indicted as an accessory to the killing of Atwell, and have been kept in jail for eleven months. I worked for McNamee for about three months before Christmas, and left there on Saturday prior to Christmas day. I was then feeing unwell, but was told by McNamee he would have eggnogy on Christmas, and I should come over that day. I said I would if I felt well enough. However, I was still feeling badly that day and did not go; in fact, I stayed at home all that week. On Friday after Christmas, in the afternoon, McNamee, Mr. Vaughan and a Mr. Kenney came to see me at my home in Henrieo county near Barton Heights and after a short stay I was asked by McNamee to go to the city with him. I consented, and we walked down. Second street, after taking a drink at Ford's, to Marehall street to McNamee's shop. There we stopped McNamee got his overcont and cane, and we walked to Marshall and Seventh streets, where we had another drink, vaughan and Kenney left us, and Mc. and we walked to Marshall and Seventh streets, where we had another drink. Vaughan and Kenney left us, and McNamee and myself went over to Manchester. I having been invited to take supper with McNamee. When we left the car we stopped at Atwell's house, and, at McNamee's request, I went up on the north and knocked at the door, intending to let Atwell know that McNamee would like to see him, but no one opened the door.

SUPPER AT M'NAMPE'S HOUSE.

"We then went to McNamee's house and had supper, and after we had finished our meal we left the house and walked as far as Hull street to the corner of the street that leads to the Free Bridge. There we took the car for Richmond, and at the corner of Ninth and Main streets we transferred and went down Main street until we reached the bridge under which the tracks of the York River railroad are running. There we got off the car and took another drink. Then we walked down the steps to Dock street and came to the little house and near by an engine was standing. McNamee asked me to go and look for Atwell, in order to tell him that he would like to see him. I did not go to the house direct, but first went to the engine, on which was Mr. George Hankins, whom I knew well. I asked him about Atwell, and was told that he was in the little house eating his supper. When I left McNamee the latter said that he would remain at the electric light pole. I went to the door and rattled. I lold the man who opened the door that I would like to see Mr. Atwell. When the latter came to the door I told him that McNamee wanted to speak to him. We walked about five steps when Atwell asked where McNamee was, and I pointed him out at the pole. Atwell said: "Oh, yes, I see him." He looked very excited and asked me to go with him, which I did.

"When we came near McNamee Atwell ran his hand in his nip pocket, but 1 did not see nim take out anything. McNamee then said to him: You insuited my wife and arove my little boy out of your yard and kept nis bicycle, and I demand an apology.' Atwell then struck at him and said, 'If you want to light you can have it, or words to that effect, and struck at McNamee. The latter then nit him with his stick. Atwell had something in his hand when he struck, but I could not see what it was, and at the same time some one hallowed, 'Lee, kill him. Then Atwell made another motion as if he was about to pull out a pistol, and McNamee, thinking that Atwell would shoot him, he fired at the latter. At the same time several people were yelling. 'Kill him, kill him. The shots were nred in rapid succession. I never laid my nands on Atwell, and did not strike him. When McNamee fired the first, shot he and Atwell were facing each other. As soon as the firing began I ran away." When we came near McNamee Atwell

THREE DRINKS OF WHISE .Y.

THREE DRINES OF WHISE.Y.

Upon cross-examination by Messrs. Richardson and Dawson, witness made, in substance, the following statement in replying to the questions put to him, some of which were answered with great hesitancy, and to a large extent with unwillingness:

"I have lived in Henrico county for three months. Before that I lived on First street, in Richmond. Have known McNamee for seven or eight years. On Friday after Christmas, when I went down-town with McNamee, Vaughan and Kenney, we had three drinks together. First we stopped at Ford's, on Second street, near the cemetery. What the others took I do not know, but I took whisky. Then we went to McNamee's shop, and from there to the corner of Seventh and Marshall streets, where I again took whisky. Then McNamee and myself took the car to Manchester to take supper at his house. After supper we went to Richmond, and stopped in, a saloon near the bridge over Main street under which the fracks of the York River road are running. There I again had whisky."

After describing again how he got Atwell out of the house, witness continued.

whise."

After describing again how he got Atwell out of the house, witness continued:
"When we got near McNamee Atwell made a fick at him. I saw him have something in his hand, but could not see while was. He had his lantern on his arm, and, I think, on the left arm. I was within ten or twelve seet of him. If McNamee said in the station-house that no one was with him he lied. Mc-Namee struck at Atwell with his stick after the latter had struck at him, and then McNamee's stick broke. It must have struck something, but I don't know what; it must have struck at the well. Atwell had in his hand or it struck Atwell. Atwell had in his hand or it struck Atwell. Atwell had struck at McNamee, but I don't know whether he struck him. McNamee then fired a shot, but I could not tell at the time how many shots in all; I was too excited, and ran away. When the first shot was fired the man who stayed at the house said: 'Catch him.' Kill him.' Prior to that some one had hallowed, 'Kill him, Lee,' I did not know McNamee had a pistol before he fired.

AN OVERSIGHT

"As far as I know, Atwell took nothing out of his pocket, and I did not see anything in his hand when he struck at McNamee, but when the latter hit him with the stick he had something in his hand, although I don't know what it was. While I was at McNamee's house I do not remember that he went out at any time, but he might have slipped into another room. I think I saw him all he time. However, before we entered he went up to Ferris' house without me to see if the latter could tell him where Atwell could be found, the same being a friend of his. I forgot to mention this before, and it was an oversight of mine.

"I was a witness before the coroner, but volunteered to go there. Before him, I stated that I did not know who struck the first blow, although I did then and do know now that Atwell did. I was advised by my counsel, Mr. Sam Page, not to tell before the coroner what I knew. I was not then arrested. I signed the testimony which I gave before the coroner, but it was not read out to me. When I said before the coroner that I did not know that McNamee had a pistol that night I meant, of course, before the shooting took place. I did not tell a lie before the coroner, but made a misstatement. I make a distinction between a lie and a misstatement of facts under oath. I also stated before the coroner

that I did not know who fired the shot that killed Atwell.
"After I had been arrested I told Captain Epps what had happened in the same manner as I did to-day, but the statement before the coroner I made upon the advice of my counsel. The statement which I make to-day is true. I was arrested at the jail while I was visiting McNamee, and I did not know then that a warrant was out against me."

MANLE UN THE STAND.

warrant was out against me."

Thomas N. McNamee, the defendant, then took the stand himself, giving the following evidence:

"I am thirty-seven years old, weighed 124 pounds three or four weeks ago, and at the time of the trouble 122 pounds. I am lame, for about ten or twelve years ago I met with an accident which terminated in clattica. Have known Atwell for seven or eight years. Upon going nome on December 26th I found my wife very much excited, and she said that that afternoon our little boy had come nome crying, saying that Atwell had uriven him out of his yard and would not let him have his velocipede or tricycle. My wife wanted him to go back for it, but he did not want to do so; she therefore went with him to Atwell's house and found the latter on his porca. She told him that she thought he might return the bicycle, whereupon he replied, he did not know the boy had one. He also said he did not want to have his children play with her boy, whereupon my wife replied that her boy eas just as good as his children, and she would tell me about it. Atwell then replied. "Send him to me, you d— w—, and I will talk to him." WANTED HIM TO APOLOGIZE.

will talk to him."

WANTAD HIM TO APOLOGIZE.

"As soon as my wife told me this I made up my mind that I would go to see Atwell about it, and told her. She tried to stop me, and expressed a fear that something might happen. However, I did not go out that night. The next morning, between 6 and 7 o'clock, I went to his house, but no one came to the door, and I then went to my shop in Richmond. I went to Atwell's house again in the evening without finding him at home, and from there I went to Mr. Ferris' house, who was a friend of his, and who told me Atwell had gone into the country with his family and would not be back before Friday evening. I told Ferris what Atwell had done, and that I wanted him to apologize. Ferris expressed his surprise over Atwell's action, and I then left him, not making any further effort of finding Atwell until Friday, when I went to Gaul's house, in Henrico county, in the afternoon. I went there to enquire about his health and to see him about a plece of work which I wanted him to do. He is an uphoisterer as well as a finisher, while I sm only an upholsterer.

"I invited Gaul to ge to the city with me, which he did, and we had several drinks together. I also asked him to take supper with me, which he consented to do. On the way home I told him that I wanted to see Atwell about some difficulty between us, and when we reached his house I asked Gaul to knock at the door and tell Atwell that I desired to speak to him. Not finding him in, I went from there to Ferris house to secure information."

How we wanted the practically in the

Witness then related practically in the same manner as Gaul how they went late in the evening to the yard on Twenty-eighth and Dock streets, and then continued:

late in the evening to the yard on Twenty-eighth and Dock streets, and then continued:

"When Atwell came out of the house I heard him ask, Where is McNamee? and Gaul replied. There he is under the electric light." This was spoken loud, but if they had any other conversation between them I do not know. Both then started tosether over to me. I saw Nunnally go up the track, while the other three men returned into the shanty. When Atwell came up to me I told him just as quietly as I am talking now: 'You treated me very badly-you called my sister-in-law a liar on my account; you drove my boy from your yard, and insuited my wife, for which I want you to apologize.' He then threw his hand behind him, and when he struck at me I hit at him with my stick. Both of our blows met, and from the sensation which I felt when my hand met his I felt convinced that he had something in his hand, which I struck. He then brought his hand back to his hip a second time, but whether he then dropped what he had in his hand I do not know. He had caned me a—scoundrel, and I thought he would draw a revolver, and I fired at him. When I fired the first shot at him he was facing three shots I ran for a short distance, thinking that the other men who came from the shanty and velled, 'Kill him' would endanger my life. I did not run up to Main street, for I thought I would then fall into their hands. I stopped for awhile, and then remembered that my brother-in-law, Vaughan, lived in Rocketts. I went to his house and told him what had happened. At my request he went over to my house to notify my wife. At his return, which was about an hour later, he informed me that Atwell was dead.

Advised to over the street is my street to my house to notify my wife. At his return, which was about an hour later, he informed me that Atwell was dead.

"I asked him what he thought I should o, and he advised ne to give myself p. I told him that I had already thought "I asked him what he thought I shound do, and he advised me to give myself up. I told him that I had already thought of doing so. At my request he went with me; we got on a Main-street car and went to the First Police Station house, where I surrendered myself to Sergeant Whitlock, who was in charge of the station. The Sergeant at once telephoned to the newspaper offices that I had surrendered, and soon several reporters arrived I think that they have been mistaken in their statements, for I did not say that no one was with me when I shot Atwell. I first did not say anything when I was asked by them, but finally I stated that there was no one within a certain distance with me. I also said I had disposed of the pistol, but did not state how, for I did not want to implicate any one.
"Gaul did not strike Atwell, and did not lay his hands on him. Had he approached him, I should have seen it. I did not see Gaul any more after the first shot had been fired until he came to see me in jail. He-did not know up to the shooting that I had a pistol. I had no apprehension of trouble, when I started out, neither had Gaul; I thought Atwell would apologize. During the afternoon and evening each of us had three drinks; I took two beers and in the last saloon I took a whisky. Atwell did not hallow, I did not know at the time how many times I fired. I put the pistol in my pocket in case I would have to use it in self-defence. I struck at Atwell with my stick, but our blows met and I struck something he had in his hand.

UNDER CROSS-FXAMINATION.

UNDER CROSS-EXAMINATION.

STRUCK SOMETHING HE HAVE AND THE STRUCK SOMETHING HE HAVE AND THE SOME THE SOME HAVE AND THE SOME HAVE

the court-room, in order that counsel might argue the points involved.

Convicted BIF BY OF FRIONY.

Mr. Richardson stated to the Court that the defendant was on the stand as a witness, and that he proposed to ask him a question which he would put to any other witness. He intended to ask him if he was not at that time convicted of a felony for felonious shooting.

Mr. Carter said that McNamee was on the witness stand in self-defence, and if this other case was gone into, it would be necessary to show why the shooting was done in that case. To single out such a specific case would go to discredit the witness.

Mr. Richardson replied that he was prepared to show that McNamee at that time was indicted for a felonious and time was indicted for a felonious and time was indicted for a felonious and the had been convicted of unlawful assault. He proposed to show from the records of the Hustings Court that Mcroamee had been found guilty of the offence.

Judge Witt said that he would look.

records of the Hustings Court that McNamee had been found guilty of the offence.

Judge Witt said that he would look
into the matter and decide the question
in the morning. He knew that the practice in the court had been such as to warrant such questioning. He asked counsel
to submit to him this morning whatever
references they might be able to bring
on the subject.

The court was then adjourned until
10 o'clock this morning, and the jury returned to Ford's Hotel for the night.

Editor Times: The Manchester lodge
of Odd-Fellows of which Atwell was a
member due not employ my firm to prosecute McNamee and Gaul, but prominent
Odd-Fellows of this city engaged us, as
i was an active member of the order.

Beins pressed with other business at the
time. I put the case in the hands of my
partner. Please correct your report of
yesterday in accordance with the above.

Yours truly.

HILL MONTAGUE

BOTH SIDES STUBBURN.

AND THE VOTE FOR BRIGADIER GENERAL IS STILL A TIE.

The Fie d Officers of the First Brigade Me Yesterday to Again Endeavor to Make a Choice.

in accordance with the order of the Governor, the field officers of the First brigade, Virginia Volunteers, assemblee in this city yesterday for the purpose of electing a brigadier-general, to fill the vacancy caused by the appointment of General Anderson as adjuant-general of the State.

There are twelve field officers in the four regiments forming the brigade, as follows: First regiment—Colonel Henry, C. Jones, Lieutenant-Colonel A. L. Philips, and Major J. H. Derbyshire, ai of Richmond; second resiment—Colone J. C. Baker, Woodstock; Lieutenant-Colonel W. S. Pole, Roanoke, and Major J. C. Watson Abingdoff, third regiment—Colonel William Nalle, Culpeper, Lieutenant-Colonel Granville Games, warrenton, and Major H. C. Burro'ss, Culpeper fourth regiment—Colonel C. A. Nash Lieutenant-Colonel Harry Hoges, and Major George W. Taylor, all of Norfolk—Since the resignation of General Anderson last winter, Colonel Nalle, who is the ranking field officer of the brigade has been acting brigadier-general. He and Colonel Nash are candidates for the position, and the vote has been so evenly divided that no election could be secured.

cured.

The first effort.

Last spring the field officers of the brigade met in this city and held an election for this purpose, but neither side would give way, and after a protracted session and many ballots, the meeting adjourned without action. The division is perfect, the field officers of the First and Third regiments, six in number, being for Colonel Nash.

This is the same division which existed last spring. For some time it has been rumored that Colonel Nash would withdraw from the contest, and it was thought that at this meeting prompt action would be taken, and though that at this meeting prompt action would be the man selected for the position. Several of the officers had previously indicated that they would not be present at this meeting, and the absence of any one of them would have changed the result.

It is asserted that Colonel Nash would have withdrawn from the race, but for the intense determination of his supporters to fight it out on the same line. The fact that every memoer was present yes terday shows how determined and close the contest was on either side. There was a desire expressed on the behalf of some of the officers to combine on Colonel A. L. Fhillips, and thus end the contest, but the partisan lines were so closely drawn that no compromise was offered.

INTERDAY'S EFFORT.

The officers assembled in Adjutant—

The officers assembled in Adjutant-General Anderson's office at 3 o'clock yesterday afternoon, in full uniform, and were in session two hours and a half.

After having cast eight ballots without reaching a result, Colonel H. C. Jones moved that the Governor be notified of the situation, and a request made of him to dissolve the meeting, and also to dissolve the brigade, allowing the colonel of each regiment to report to him, as commander of the State troops, directly through the adjutant-general.

Colonel H. C. Jones and Colonel J. C. Baker were appointed a committee to convey this information to his Excellency, Governor of Pertall. The conference was held, and Governor of Pertall. The conference was held, and Governor of Pertall consented to dissolve the meeting, but informed the officers that he would take the matter of dissolving the brigade under consideration.

On the return of Colonels Jones and Baker, the meeting was dissolved, in accordance with the Governor's instruction, and Colonel Nalle will continue in command of the brigade until the Governor shall again order an election.

The visiting officers last evening attended Pinafore in a body. They will return home to-day.

AGAINST TELEPHONE COMPANY. ammittee on Gr unds Recommends the

committee on Gr unds Recommends the Revoking of Their Privile 68.

The Committee on Grounds and Buildings held its regular semi-monthly meeting in room No. 5 of the City Hall last evening. There were present Messrs. Carter (chairman). Blake, Gunst, King. Epps, Mountcastie and Snead.
Colonel C. E. McCluer, superintendent of the Southern Bell Telephone Company, and Major Robert Stiles, counsel of the concern, were present, to be heard on the question of increasing the telephone facilities of the various city departments. This question was reached by the following report from the subcommittee:

Your subcommittee, appointed to enquire into the feasibility, or rather to make request of the Southern sell Telephone company to furnish free 'phones to such places as are needed in the City Hall and come under the control of the Grounds and Building Committee, with power to act, beg leave to report and recommend as follows:

We nave so far only ordered one 'phone to be placed in the City Sergeant's office for the accommodation of the Hustings Court, although other 'phones are needed. We have given a full list to said company for such service as we would require (a list of which is attached to this report) and after three or four different meetings, at each of which the company was represented, they finally offered the city a reduction of 50 per cent., which offer your committee did not accept, as tais was foreign to our request, hence we were unable to make any definite report. Since our last meeting they have declined to accede to the request.

We have been quite diligent in our rearch for information require to this subject, and have found that other cities not only command tree 'phones, but, in addition, require pole as well as other taxes. We now come with the following recommendations:

First, That the Grounds and Buildings Committee reject any free privileges that

taxes. We now come with the following recommendations:
First. That the Grounds and Buildings Committee reject any free privileges that the said company may be willing to grant or have granted.

Second. That in the interest of our citizens, as well as the municipal government offices, that the Grounds and Buildings Committee recommend to the City Council to revoke all ordinances appertait. It is giving them any privileges, and thereby allowing the franchises to them or other companies, as in their judgment they may deem proper, and to formulate an ordinance that will place the city on an equitable basis. and to formulate an ordinance that win place the city on an equitable basis. Your committee do not wish to tire you with any lengthy statement as to what taxes the company are paying, as they have gone over that matter thoroughly, and, as before stated, in addition to those taxes, think our request a very moderate one.

and, as before stated, in addition to those taxes, think our request a very moderate one.

Your committee feel constrained to say that in their opinion franchises have been too liberally granted, and that the time has come to call a halt, for the protection of the city's interest as well as the citizens.

Your committee are prepared to go into detail if required.

Respectfully submitted.

MARX GUNST. Chairman:

JOHN M. KING.

Majority of Committee.

Mr. Blake, another member of the subcommittee offered as a substitute that the report be received, with the exception of the provision in regard to the repeal of the privileges given the telephone company.

The substitute was lost and the report of the subcommittee was adopted, Mr. Blake alone voting against it.

Colonel Cutshaw stated that Mr. John C. Ham, the city nurseryman, had complied with the instructions of the committee, by moving into the city and registering and voting here at the last election. Upon motion of Mr. Snead, his appointment was confirmed by the committee.

An opinion of the City Attorney was

An opinion of the City Attorney was presented, stating that under the recent ordinance the janitors of the City Hall could not be considered as laborers, It was decided, however, on motion of Mr. Mounteastle, that all employes under the jurisdiction of the committee shall hereafter be paid every two weeks.

A letter was received from Captain Frank W. Cunningham, of Company B. First Regiment, asking permission to use

Frank W. Cunningham, of Company B. First Regiment, asking permission to use the armory in the day time for a bicycle training room, the proceeds to he applied to the uniform fund. The request was granted, on motion of Mr. Gunst, to be revoked at the pleasure of the committee.

A special committee, consisting of Messrs. Blake, Mountcastle and Gunst, was appointed to revise the rules governing the employment of the janitors in the City Hall as to the cleaning of the various rooms in the building.

The following cases were disposed of in the City Circuit Court, before Judge Weliford, yesterday: Judgment was rendered in the Circuit Court in the case of the Commonwealth

against J. M. Dawson and others in favor of the Commonwealth for \$2,190.15.

Also, in the Commonwealth against J. M. Dawson and others, in favor of the Commonwealth for \$2,93.45.

In the case of Charles F. Taylor & Co. against Johnson & Crump, as to Crump the jury brought in a verdict for the plaintiffs of \$19.61. with interest from June 1, 1891, till paid.

In the case of Harvey Blair & Co. against Johnson & Crump, as to Crump, a verdict was rendered for plaintiffs for \$124, with interest from October 31, 1891.

AS CORN LO-EN HIS MIND and Creates a Sensation on West Main S ree'.

Quite a little sensation in the neighborhood of Belvidere and Main streets attracted a large crowd of morbidly curious people to that vicinity about is o'clock anonday night, when a college student from a county in Virginia was suddenly stricken with dementia, and stirred matters up considerably. The unfortunate young man had been out visiting, and when returning to his room he attracted attention by running in a haphazard sort of style from one side of the street to the other. When near Henry street he rushed across the lawn of a place on Main, and commenced to shout wildly, attracting the attention of the whole neighborhood. He was taken to the Third police station by Officer Walton, and the character of his ailment ascertained. Mr. James T. Lewis, a justice of the peace, was summoned and after an examination of the case committed the student to jail to await the action of a commission of lunacy. The commission was to have been held at the jail yesterday, but was postponed for everal days, and the young man was put in charge of his friends. The young man's relatives were notified yesterday, and they are expected to arrive here soon.

A. P. F. A.

n Important Mering of the Association

The Association for the Preservation of Virginia Antiquities met in the rooms of the Virginia Historical Society at 4:39 o'clock yesterday afternoon. Mrs. Joseph Bryan, president of the association, presided, and there was a large attendance of members. After disposing of the minutes of the previous meeting, letters were read from Mr. Thomas, requesting the president of the Virginia Historical Society and the president of the Association for the Preservation of Virginia Antiquities to be present at the rededication of old St. Luke s Episcopal church, which took place last Wednesday at S. sadiesa, in use of wight county.

which took place last Wednesday at Stallen, in use of wight county.

Plans for having a Kirmesse were discussed, and it was finally decided to have one some time in January for the benefit of the society.

It was decided to have a tea that right and also a lecture in commemoration of the anniversary. Mr. Taylor Thom will deliver the lecture.

After transacting some other routine business the society adjourned to meet next Tuesday.

Jumped the Track.

About 3:30 o'clock yesterday morning an engine, and tender, with a flat car and a box car attached, jumped the track of the James River division of the Chesapeake and Ohio railroad, near the Sixthstreet crossing. The accident was caused by a broken flange.

G. E. McClelland, a brakeman, in jumping from one of the derailed cars was painfully but not seriously injured. The wreck was soon, removed.

Where is the Boy?

Mr. Isador Lovenstein, whose fifteen-year-old son, Willie, disappeared from home on Monday in company with one of Mr. Lovenstein's hands, named Albert Rhoades, has not yet heard from the boy. The authorities at Washington and Alexandria and many other points, have for walsts, etc., etc., 69c.

That Tired Feeling

condition, liable to lead to disastrous results. It is a sure sign of declining health tone, and that the blood is impoverished and impure. The best and most successful remedy is found in

HOOD'S Sarsaparilla

thus gives strength to the nerves, elas-ticity to the muscles, vigor to the brain and health to the whole body. In

truth. Hood's Sarsaparilla Makes the Weak Strong

Be sure to get Hood's and only Hood's Hood's Pills are purely vegetable, perectly harmless, always reliable and beneficial

NEVER BEFORE HAVE WE HAD SO MANY NOVELTIES IN CHAMBER, DINING-ROOM AND

PARLOR FURNITURE. Nearly one-half our stock being exclusive designs not found e-sewhere. In our



you will find the finest line of BROCATELLES, SILK DAMASKS TAPESTRIES, ETC., in the city. Your old Parlor Suits made good as new at

Habliston & Bro's, Cor. Seventh and Main.

6 POUNDS BEST GRANULATED 6 POUNDS BEST GRANULATED
Sugar for
Finest New York Creamery Butter,
per pound. 20
Apple Butter, per pound. 25
California Hams, per pound. 8
2 pounds Best Virginia Buskwheat for 25
California Hams, per pound. 8
2 pounds Best Cream Cheese for. 25
New Raisins, per pound. 4
Arbuckle's Ariosa Coffee, per pound. 20
Best Roasted Laguayra Coffee, per
pound 20 Best Roasted Laguayra Coffee, per pound 20 Pure Lard, 4 po inds for 25 New Currants, per pound 2 Fresh Soda Craczers, per pound 5 Meal, per bushel 60 California Claret Wine, per gallon 60 California Claret Wine, per gallon 60 California Claret Wine, per gallon 60 New Ciron, per pound 10 Snow Flake Patent Family Flour, per barrel 50 per barrel 50 per barrel 50 per sack 20 Breast Pork, per pound 8 Salt Pork, per pound 8 Salt Pork, per pound 8 ULLMAN'S SON, 7

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SOME OF THE

Greatest Offerings WITHIN THE MEMORY OF WOMAN.

In order to make room for our immesses stock of HOLIDAY GOODS AT
ONUR we are making preparations to
sell more goods at LOWER PRIOSS than
EVER. We have been buying and selling goods on the New-Tariff basis, but
now we need MORE ROOM for CHRISTMAS NOVELTIES, and have put these
prices on the goods ERLOW mentioned
which will speak for themselves.

Read the Prices Below: From a hundred offerings of DRESS GOODs, each worthy detailed notice, we mention only a few such as: DOUBLE WIDTH Twill Navy Sterm

12 1-2C. It is a twenty-five cent value. FRENCH FANCY NOVELTIES, 75c. and St.
They are one dollar and twenty-five

Navy-Blue Storm Serge, one and one-half yards wide,

25C. A fifty-cent value. ALL-WOOL NAVY FRENCH SERGE, 37 1-2c. A no less than fifty-cent value.

PANCY CLOTH, one and one-half yards wide, r house-dresses, children's cloaks, light-weight wrappers; we sell to-day for 50c. A one-dollar value.

FIGURED PRENCH PLANNEL 35c.

Enough to say—that, as LARGE CASH BUYERS, we can quote THESE PRICES; JET-BLACK ALL-WOOL FRENCH SERGE AND GERMAN HENGIEFFAS, 37 1-2c.

Always a fifty-cent value. JET-BLACK IMPORTED FIGURED BLACK GOODS, in stripes, dots, diago-60c. to 70c. A dollar value anywhere in town.

BLACK COVERT CTOTH, 13s yards A one-dollar and a quarter value. 15 pieces RUSTLE TAFFNIA SILE. in light small checks and strages. A great many shades and colorings, now

Always a one-dollar value. 25 pieces of Fancy Figured SWIVEL SILK

A one-foliar value. We offer a limited number of the fol-

Cloaks and Capes at the prices mentioned until they are all gone. Just received, but they must go now:

100 new SILK-LINED SEAL PLUSH
CAPES. They are fur-trimmed and
also plain. We will sell them NOW for
\$8.89, \$12.50, 515.

50 new 40-inch Long Cloaks, all sizes bust measure, in plain BLACK-AND-TAN CLOTH. \$10---\$12.

25 LONG JACKETS.

They are values made to sell for more

made in plain and rough cloth and Chin-chills Plash and fur trimmed, with vel-vel collar, \$5.90. None in the lot worth less than ten to twelve dollars.

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Superior Surgical Instruments, Trusses, Supporters, Etc.



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OUR IMPROVED, PATENTED, IMPORTED SHOULDER BRACE, SUITABLE AND IN SIZES FOR LADLES,
GENTLEMEN AND CHILDREN, THIS
BRACE IS-MADE OF FINELY-TEMPERED AND COVERED STEEL, INTERWOVEN WITH WHITE HORSE
HAIR, MAKING IT STRONG, YET
COOL AND LIGHT, OUR BRACE WILL
STRENGTHEN THE CHEST AND
LUNGS, AND IS A PERFECT REMEDY
FOR ROUND SHOULDERS, AND THE
ONLY APPLIANCE SUITED TO DRAW
THE SHOULDERS BACK AND SUPPORTING AND STRENGTHENING THE
SPINE AND THE CORRECT ARTICLE
TO THE MAINTENANCE OF AN ELEGANT CARRIAGE. THIS APPLIANCE
PERMITS PERFECTLY FREE MOTION
OF THE BODY, AND IS NOT VISIBLE
THROUGH THE DRESS.
WE HAVE A LARGE SELECTION OF
ABDOMINAL SUPPORTERS, ELASTIC
STOCKINGS, KNEE CAPS, ANKLETS,
AND ALSO MAKE A SPECIALTY OF
THE FITTING OF TRUSSES FOR HERNIA OR RUPTURE, GUARANTEEINO
A CORRECT FIT IN EVERY CASE.
PRIVATE FITTING ROOM, LADY IN
BEG-SU, WE&W

